


As stated before, the United States Court of Appeals for the Fourth Circuit's decision in Timms v. Johns, 627 F.3d 525 (4th. Cir. 2010), held that a person against whom a § 4248 action has been initiated must exhaust all remedies within the § 4248 action prior to seeking a writ of habeas corpus under § 2241. Petitioner could not have exhausted such remedies given the process has not yet resulted certification and he continues to serve an active criminal sentence.

The court further holds that petitioner has no constitutionally protected interest in a particular housing assignment, transfer to a particular prison, or as petitioner seeks transfer to a halfway house prior the expiration of his term on incarceration. See Moody v. Daggett, 429 U.S. 78, 88, n. 9, 97 S. Ct. 274 (1976) (Federal prisoners have no constitutional or inherent right to participate in rehabilitative programs while incarcerated); Greenholtz v. Inmates of Nebraska Penal and Correctional Complex, 442 U.S. 1, 7, 99 S. Ct. 2100 (1979) (Nor do prisoners have a constitutional right to release before the expiration of a valid sentence.); see also Sandin v. Conner, 515 U.S. 472, 484, 115 S. Ct. 2293 (1995); Russell v. Caraway, 2012 WL 5510999, *5-6 (D. Md. 2012); Walsh v. Berkebile, 2011 WL 1547908, *6 (S.D. W. Va. 2011).

The petition is DENIED without prejudice. All pending motions are DENIED as MOOT. The certificate of appealability is DENIED, and the case is CLOSED.

SO ORDERED. This 20 day of August 2015.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE